

EXHIBIT 5

Steven Moser

From: Andie Barbour <abarbour@indeed.com>
Sent: Monday, March 14, 2022 2:32 PM
To: Steven Moser
Subject: Re: Case No. 21-cv-409

I will call in the next 5 minutes.

Andie North Barbour
Senior Corporate Counsel
abarbour@indeed.com

Indeed - We help people get jobs.
Indeed.com

CONFIDENTIALITY NOTICE:

This email message and any accompanying data or files is confidential and may contain privileged information intended only for the named recipient(s). If you are not the intended recipient(s), you are hereby notified that the dissemination, distribution, and or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender at the email address above, delete this email from your computer, and destroy any copies in any form immediately. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client, work product, or other applicable privilege.

On Mon, Mar 14, 2022 at 1:31 PM Steven Moser <steven.moser@moserlawfirm.com> wrote:

I'm available now (2:30 EST) my cell is 5166712776. I just realized I have a conflict at 3 PM EST. I could also do 3:30 PM.

Steve

From: Andie Barbour <abarbour@indeed.com>
Sent: Monday, March 14, 2022 2:27 PM
To: Steven Moser <steven.moser@moserlawfirm.com>
Cc: Subpoenas <subpoenas@indeed.com>
Subject: Re: Case No. 21-cv-409

Hi Steven,

I'll call you at 3pm then. Is that Eastern or Central time?

From: Andie Barbour <abarbour@indeed.com>
Sent: Monday, March 14, 2022 1:37 PM
To: Steven Moser <steven.moser@moserlawfirm.com>
Subject: Re: Case No. 21-cv-409

Hi Mr. Moser,

Although we can certainly discuss, our call will likely be unproductive. The problem for us, in addition to our other objections, is that we genuinely don't have an easy way to pull historical job posts. Pulling them is in fact very labor-intensive and time-consuming. On the other hand, BBB can request its own account information as described in our response letter, and BBB would then receive all of its account history.

If you'd still like to discuss, I can call you any time that works for you today after 1:15pm CST / 2:15pm EST. Please provide me a time and a phone number to reach you.

Andie North Barbour

Senior Corporate Counsel
abarbour@indeed.com

Indeed - We help people get jobs.
Indeed.com

CONFIDENTIALITY NOTICE:

This email message and any accompanying data or files is confidential and may contain privileged information intended only for the named recipient(s). If you are not the intended recipient(s), you are hereby notified that the dissemination, distribution, and or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender at the email address above, delete this email from your computer, and destroy any copies in any form immediately. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client, work product, or other applicable privilege.

On Sun, Mar 13, 2022 at 2:24 PM Steven Moser <steven.moser@moserlawfirm.com> wrote:

We haven't heard back from you regarding the foregoing email. Please advised if you are available via telephone this week.

Steve Moser

From: Steven Moser
Sent: Friday, March 4, 2022 5:56 PM
To: Andie Barbour <abarbour@indeed.com>
Cc: Subpoenas <subpoenas@indeed.com>; lowell.brickman@indeed.com
Subject: RE: Case No. 21-cv-4099

Please advise if Indeed's position is open for discussion. I'd be happy to speak with you next week regarding this matter in a good faith effort to resolve the subpoena without court intervention.

Steve Moser

From: Steven Moser <steven.moser@moserlawfirm.com>
Sent: Thursday, March 3, 2022 7:21 PM
To: Andie Barbour <abarbour@indeed.com>
Cc: Subpoenas <subpoenas@indeed.com>; jruzal@ebglaw.com; maibel@ebglaw.com
Subject: Re: Case No. 21-cv-4099

Andie

Thank you for this information. The subpoena was also emailed to Indeed on November 22, 2021, so that Indeed had actual notice of the subpoena since that date. Finally, the designated agent is not CT Corporation, but the Secretary of State.

While I understand that CT did not receive a physical copy until 2/3/2022, there has been no explanation as to the delay between the November 22, 2021 email and your response.

FYI according to Bed Bath & Beyond they have been unable to locate any job descriptions for any new york positions. Considering that your own terms and conditions indicate that such job descriptions/postings are public information, I hope that you reconsider at least some of your objections.

Regards,

Steven J. Moser

MOSER LAW FIRM, PC

steven.moser@moserlawfirm.com

Tel: 516-671-1150

Cell: 516-671-2776

www.moserlawfirm.com

----- Reply Above -----

Mr. Moser,

As you'll see in the attached document, Indeed's agent for service of process, CT Corporation, received your subpoena on February 7, 2022. Indeed responded seven days later, on February 14, 2022.

Your letter of March 2, 2022, references an enclosure of "Affidavit of Service of Subpoena," but the affidavit you provided appears unrelated to this matter.

To your question, the place of compliance is our headquarters in Austin, Texas.

Indeed stands by all objections.

Andie North Barbour

Senior Corporate Counsel

abarbour@indeed.com

Indeed - We help people get jobs.

Indeed.com

CONFIDENTIALITY NOTICE:

This email message and any accompanying data or files is confidential and may contain privileged information intended only for the named recipient(s). If you are not the intended recipient(s), you are hereby notified that the dissemination, distribution, and or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender at the email address above, delete this email from your computer, and destroy any copies in any form immediately. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client, work product, or other applicable privilege.

On Wed, Mar 2, 2022 at 7:05 PM Steven Moser <steven.moser@moserlawfirm.com> wrote:

Dear Indeed

Please see attached letter.

Steven J. Moser

MOSER LAW FIRM, PC

steven.moser@moserlawfirm.com

Tel: 516-671-1150

Cell: 516-671-2776

www.moserlawfirm.com

----- Reply Above -----

Dear Mr. Moser,

Please see our response attached.

Kind Regards,
Indeed Legal Team

--
Andie North Barbour

Senior Corporate Counsel
abarbour@indeed.com

Indeed ~ We help people get jobs.

Indeed.com

CONFIDENTIALITY NOTICE:

This email message and any accompanying data or files is confidential and may contain privileged information intended only for the named recipient(s). If you are not the intended recipient(s), you are hereby notified that the dissemination, distribution, and or copying of this message is strictly prohibited. If you receive this message in error, or are not the named recipient(s), please notify the sender at the email address above, delete this email from your computer, and destroy any copies in any form immediately. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client, work product, or other applicable privilege.